

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION – TOLEDO**

ANDREW BILLIS,)	
)	CASE NO.
Plaintiff,)	
)	TRIAL BY JURY
v.)	DEMANDED
)	
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, a corporation.)	

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff, ANDREW BILLIS, by his attorneys, DUNN HARRINGTON LLC, and complaining of Defendant, NORFOLK SOUTHERN RAILWAY COMPANY ("NSRC"), states as follows:

1. Jurisdiction of this Court as to Plaintiff, ANDREW BILLIS, and Defendant NSRC, is invoked under the provision of Title U.S.C. Sec. 56 and Title 28 U.S.C. Sec. 1331.

2. The Defendant, NSRC, was at all times relevant to this cause of action a corporation engaged in operating a railroad as a common carrier engaged in interstate commerce between various states of the United States, including the Northern District of Ohio.

3. Venue for this cause of action exists in the United States District Court for the Northern District of Ohio pursuant to 28 U.S.C. Sec. 1391(b).

4. At all times alleged herein, Plaintiff Andrew Billis was employed as a conductor and switchman for Defendant, NSRC, and his duties were in furtherance of interstate commerce.

5. At the time and place aforesaid, both Plaintiff, ANDREW BILLIS, and Defendant, NSRC, were subject to an Act of Congress commonly known as the Federal Employers' Liability Act, 45 U.S.C. Sec. 51-60.

6. On or about April 19, 2019, Plaintiff sustained personal injury to his body, including but not limited to his arm and shoulder, after tripping and falling over deteriorated railroad ties at or near NSRC's Stanley secondary railroad yard while performing switching operations.

7. At the time and place aforesaid, Plaintiff was acting within the scope of his employment in furtherance of NSRC's business.

8. At the time and place aforesaid, it was Defendant NSRC's duty to Plaintiff to exercise ordinary care to provide Plaintiff with a reasonably safe place in which to work.

9. At the time and place aforesaid, Defendant possessed a non-delegable duty under the Federal Employers' Liability Act to provide Plaintiff with a reasonably safe place in which to work.

10. At the time and place aforesaid, Defendant NSRC, by and through its conduct or the conduct of its duly authorized agents, was negligent in the following particulars which caused, in whole or in part, injuries to Plaintiff ANDREW BILLIS:

- a. In failing to provide Plaintiff with a reasonably safe place in which to work;
- b. In failing to follow its own ballasting and engineering rules;
- c. In failing to provide Plaintiff with safe and level walking conditions while performing switching operations.

- d. In failing to warn Plaintiff that deteriorated railroad ties not level with the ground existed in the location it required him to work;
- e. In failing to warn Plaintiff of the unsafe walkway it created;
- f. In failing to respond to complaints of unsafe walking conditions in the Stanley secondary yard;
- g. In failing to comply with industry standards and procedures regarding the maintenance of ground walkway areas within railroad yards where employees are required to walk and work; and
- h. In allowing railroad ties to become warped and deteriorated in the area creating a tripping hazard for employees.

11. Plaintiff ANDREW BILLIS sustained personal injuries, disability, pain and suffering, loss of a normal life, medical expense, wage losses and other recoverable damages supported by the evidence and permitted by law resulting, in whole or in part, from the negligent and unlawful acts and omissions of Defendant, NORFOLK SOUTHERN RAILWAY COMPANY.

WHEREFORE, Plaintiff, ANDREW BILLIS, prays for judgment of damages against Defendant NORFOLK SOUTHERN RAILWAY COMPANY in a dollar amount sufficient to satisfy the jurisdictional limitations of this Court, plus whatever amount the Court and the jury deem proper as compensatory damages, plus the costs of this lawsuit.

Respectfully submitted,

By: /s/ Robert E. Harrington, III
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JURY DEMAND

The Plaintiff, ANDREW BILLIS, by and through his attorneys, DUNN HARRINGTON LLC, hereby demands trial by jury.

Respectfully submitted,

By: /s/ Robert E. Harrington, III
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